

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GIL CONTRERAS-RODRIGUEZ,
Petitioner,

v.

JEFF SESSIONS, *et al.*,
Respondents.

Case No. 1:18-cv-389

Dlott, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

On June 5, 2018, petitioner, a prisoner at the Butler County Jail in Hamilton, Ohio, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). On June 15, 2018, the undersigned issued a Deficiency Order requiring petitioner to pay the full \$5.00 filing fee or submit an application and affidavit to proceed *in forma pauperis* within thirty (30) days. (Doc. 2). Petitioner was further advised that “[i]f petitioner fails to comply with this Deficiency Order within the requisite 30-day period, this case shall be dismissed for lack of prosecution.” (*Id.*).

To date, more than thirty days after the Court’s June 15, 2018 Deficiency Order, petitioner has failed to respond or otherwise comply with the Order.¹

District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution “to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). Failure of a party to respond to an order of the Court warrants invocation of the Court’s inherent power in this federal habeas corpus proceeding. *See* Fed. R. Civ. P. 41(b); *see also* Rule 11, Rules Governing Section 2254

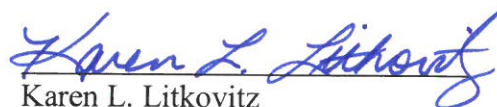
¹ On July 17, 2018, the Deficiency Order was returned to the Court, marked “Return to Sender Not Deliverable as Addressed Unable to Forward.” (Doc. 3). Petitioner is not listed as a person currently in custody on the Butler County Jail inmate roster.

Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

Accordingly, because petitioner has failed to respond to the Court's June 15, 2018 Order, this case should be **DISMISSED** for lack of prosecution.

IT IS SO RECOMMENDED.

Date: 7/18/18


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).